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1. The Court would prefer that medical records be filed under seal & protect the justifiable privacy of the defendant, and medical records have now been filed under seal in the past. But the defendant can waive her privacy interests. 2. The Court also notes that 18 U.S.C. § 3582(c)(1)(A)(i) provides for a motion to be made by the Director of the Bureau of Prisons, and counsel should make an application to the Director under that provision in the first instance, but the Court will consider any request submitted.

So ordered,

JR G Koeltl

RECEIVED
JUL 29 2013
CHAMBERS OF
JOHN G. KOELTL
U.S.D.J.

BY FAX ONLY: 212.815.7912
The Honorable John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **Lynne Stewart v. United States of America, Dkt No.** **U.S.D.J.**

Dear Judge Koeltl:

I write as counsel for Lynne Stewart.

This afternoon I am filing on behalf of Ms. Stewart, by Order to Show Cause, a Petition to Modify, Reduce or Vacate her Sentence pursuant to 28 U.S.C. § 2255 and 18 U.S.C. § 3582(c)(1)(A)(i). Four of the exhibits to my declaration in support of the Petition constitute medical records: (1) A Summary of Medical Records, (2) Medical records maintained by FMC Carswell (where Ms. Stewart is incarcerated), (3) the opinion of Michael L. Grossbard, M.D., Ms. Stewart's oncologist before she went to prison, and (4) Richard Dundy, M.D., a palliative care specialist associated with the Visiting Nurse Service of New York Hospice. Dr. Dundy's home address and all references to Ms. Stewart's social security number are redacted. The ECF rules allow discretion to be exercised in determining whether the records of this type should be filed under seal. Ms. Stewart does not object to filing them in the public record. I respectfully request that the Court instruct as to its preference with respect to the public filing of these medical records. In any event, your Honor and the government will receive a complete set of unredacted records.

Respectfully submitted,

Jill R. Shellow
Jill R. Shellow

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DATE FILED: 7/29/13

cc: AUSA Andrew S. Dember (by email)
Lynne Stewart (by regular mail)